

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SENOJA V. MADISON-HAMIM,

Plaintiff,

v.

TIME LIFE LIBRARIES, INC., *et al.*,

Defendants.

Case No. C04-2418L

ORDER OF DISMISSAL AND
ENJOINING FUTURE FILINGS

Plaintiff Senoja Madison-Hamim is proceeding *pro se* in the above-captioned matter. This action is the third lawsuit plaintiff has filed regarding her employment discrimination claim and the subsequent arbitration (collectively, the “three actions”). In the first lawsuit, the court found that the complaint was deficient, gave plaintiff thirty days to amend, and ultimately dismissed for failure to prosecute after plaintiff failed to amend. See *Madison-Hamim v. Time Life Libraries, Inc., et al.*, Case No. C03-335R (W.D. Wash. 2003). Plaintiff filed a second lawsuit against defendants in January 2004. See *Madison-Hamim v. Time Life Libraries, Inc., et al.*, Case No. C04-164R (W.D. Wash. 2004). On September 28, 2004, the court granted the Arbitration Defendants’¹ motion for summary judgment and subsequently granted the remaining

¹ The arbitration defendants are the parties who were involved with the arbitration of plaintiff’s employment dispute, and they include the American Arbitration Association, William

1 defendants' motion to dismiss for insufficiency of service. In the current action, plaintiff alleges
2 nearly identical causes of action as previously asserted.

3 By order dated June 17, 2005, the Court dismissed plaintiff's claims against the
4 Arbitration Defendants with prejudice, finding that the claims were barred by the doctrine of *res*
5 *judicata*. The Court also imposed sanctions for plaintiff's refile of the claims despite the
6 previous dismissal with prejudice, her refusal to dismiss them after counsel informed her that
7 they were barred by *res judicata*, her harassing motive, and her continued wanton disregard of
8 the court's orders and rules, all of which unreasonably multiplied the proceedings, imposed
9 additional costs on defendants, and wasted judicial resources. Plaintiff was ordered to show
10 cause why a standing bar order should not be imposed against her for her litigation misconduct.
11 The Court issued a second order to show cause on June 21, 2005, ordering plaintiff to show
12 cause why her claims against the remaining defendants² should not be dismissed for her failure
13 to serve them.

14 On July 11, 2005, plaintiff filed a "Complaint" that contains arguments regarding why a
15 bar order should not be imposed. Plaintiff's "Complaint" notes her right to litigate and offers
16 substantive arguments regarding the merits of her discrimination claim. Plaintiff also complains
17 that no judge has considered the merits of her case, which is untrue, and ignores the fact that she
18 has repeatedly failed to serve defendants. The civil rules, including those regarding service of
19 process, are in place to ensure fairness and proper notice to all parties, and cannot simply be
20 disregarded by plaintiffs.

21 Plaintiff has not shown cause why a standing bar order regarding the claims and
22

23 _____
24 Slate II, and Mills Meyers Swartling P.S.C.

25 ² The remaining defendants are Time Life, Time Life Music Books and Video, Patty
26 Morgan, Susan Street, Brock Musgrave, Stephanie Rosenthal, David Birmingham, Robie
27 Sokolowski, Jason Sunderland, Joel Hanson, Floyd Gossett, Santana Pado, Pelletier, Keith
Berlin, Lisa Harold, Tracy DuVall, and Cora Sorenson.

1 defendants involved in this litigation should not be imposed. Instead, her improperly titled
2 “Complaint,” filed without inclusion of the case number, disregards the Court’s clear
3 instructions to file a *response* to the order to show cause and is further evidence of her ongoing
4 disregard for the rules of the court. Plaintiff also failed to serve the summons and complaint in
5 this action on the remaining defendants.

6 Having reviewed plaintiff’s “Complaint” and for all of the reasons stated in this Court’s
7 Orders to Show Cause (dated June 17 and June 21, 2005), it is hereby ORDERED that:

8 (1) The Court DISMISSES this action against the remaining defendants without
9 prejudice. The Clerk of the Court is directed to enter judgment accordingly.

10 (2) Due to plaintiff’s litigation misconduct, which includes frivolous filings motivated by
11 an improper purpose of harassment, after today’s date, any *pro se* complaint submitted for filing
12 in this district in which Senoja Madison-Hamim is a named plaintiff or purports to act as party
13 representative and in which she sues a defendant previously named in any one of the three
14 actions, shall be subject to review by the Court prior to issuance of summons or service of
15 process by the Court. The following review provisions shall apply, except in cases where
16 Senoja Madison-Hamim is represented by an attorney licensed to practice law in this district:

- 17 ● The Court will review the complaint to determine whether good cause exists to
18 permit the action to proceed in light of the claims raised therein and Senoja Madison-
19 Hamim’s past litigation abuses. The filing shall be accompanied by a signed certification
20 that all outstanding monetary sanctions have been satisfied. In addition, the filing shall
21 be accompanied by a second, signed statement with a separate paragraph regarding each
22 named defendant. Each separate paragraph shall provide the factual and legal base for
23 the relevant claim, explain whether plaintiff has previously named that defendant in
24 another lawsuit, and shall clearly state whether the prior claim(s) was dismissed with or
25 without prejudice. Plaintiff is hereby reminded that she cannot refile the same claims
26 against the same defendants if those claims were dismissed with prejudice. If plaintiff

1 does so, she must cite the prior action and specifically explain why the claim should not
2 be dismissed based on the prior adjudication and show cause as to why sanctions should
3 not be imposed for refiling the claims; otherwise, additional sanctions will be imposed.
4 As to claims previously dismissed against any defendant without prejudice, plaintiff shall
5 specifically state how she plans to effect service and, within the 120 days provided by
6 Federal Rule of Civil Procedure 4(m), shall provide proof that she has served each
7 defendant. Until plaintiff provides proof of proper service in any new action, she shall
8 not file any motions or other requests for relief, except those related to service. Before
9 service is effected, no defendant shall be required to answer any new complaint or motion
10 unless ordered to do so by the Court.

11 ● If the court determines that plaintiff has not complied with this order or that
12 she has not shown cause to allow any new action to proceed, the action will be dismissed
13 *sua sponte* without further notice. If the court also determines that sanctions are
14 appropriate, those shall be imposed at the same time the action is dismissed. Senoja
15 Madison-Hamim shall have an opportunity to explain why sanctions should not be
16 imposed in a post-judgment motion for reconsideration filed within **ten (10)** days of the
17 judgment.

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19 DATED this 18th day of July, 2005.

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22 Robert S. Lasnik
23 United States District Judge
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